

Section 42,
Art. XX,
repealed.

5. Section forty-two of the said Article XX of the act of which this act is an amendment be and the same is hereby repealed.

Repealer.

6. All acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

7. This act shall take effect immediately.

Approved March 12, 1924.

CHAPTER 229.

An Act to authorize the abandonment of navigation upon the Morris canal and providing for the dismantling of the canal and the disposition of portions of the property, the title to which is now held in trust for the State of New Jersey by the Morris Canal and Banking Company upon terms and compensation fixed by said Morris Canal and Banking Company and providing for the review of said terms and compensation by the Board of Public Utility Commissioners of the State of New Jersey, and further providing for the management and control of such property pending the disposition thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Abandonment
of navigation
on Morris
canal and its
feeders.

1. The Morris Canal and Banking Company is hereby authorized and directed to discontinue the use as a means of transportation by water of that portion of the property, the title to which is vested in the said company in trust for the State of New Jersey, which has heretofore been used as a means of transportation by water and which is located between the westerly shore or bank of the Hackensack river in the town of Kearny and the southerly line or side of Main street adjacent to Green's bridge in the town of Phillipsburg, which

portion of said property is referred to in this act as the "Morris Canal" or as the "Canal"; and to discontinue the use as a means of transportation of water to the canal of those portions of such property which have heretofore been used as feeders to the canal; and for such purpose the said company is hereby authorized and directed to drain off the water from the canal and feeders, whenever and wherever such action may be taken, in its judgment, without the creation of insanitary conditions or the impairment of contract obligations. Such portions of such property shall be applied and are hereby dedicated, subject to the limitations hereinafter provided, to the public use as public highways for the transportation and passage thereon of persons and property and for any and all other purposes of public highways.

Canal drained.

Property for highways.

2. The rights vested in the Morris Canal and Banking Company to impound and divert waters of lakes, ponds, and streams, and the property and rights vested in the said company in Lake Hopatcong, Lake Musconetcong (otherwise known as Stanhope reservoir), Cranberry lake, Bear ponds, the pond on the Musconetcong river at Saxton falls, and Greenwood lake, together with all such lands, easements, rights and other property, the title to which is vested in the said company in trust for the State of New Jersey, as may be necessary to maintain the said lakes and ponds, shall be retained by the said company in trust for the State of New Jersey, for the public use of conserving the public waters of the State and shall be and are hereby dedicated to such public use; and the said company is hereby authorized and directed to control, maintain and operate the dams and sluice gates at the said lakes and ponds for the purpose aforesaid and in such manner that the rights of the riparian owners upon said lakes and ponds and the outlets thereof shall be properly conserved.

Rights, title, property for public use.

Riparian rights conserved.

3. The Morris Canal and Banking Company is hereby authorized to consent, under restrictions which shall not impair any existing rights, and for a consideration in each case to be fixed by its board of directors and approved in writing by the Governor of the State of New Jersey, to the diversion, for the purpose of municipal

Diversion of water for municipal purposes.

Proviso.	water supply, of the waters or any portion thereof, the title to the right to the use of which is vested in the said company in trust for the State of New Jersey; <i>provided</i> , that nothing in this section contained shall be construed to dispense with any consent now or hereafter required to be obtained by any municipality, board or commission as a condition precedent to the diversion of the State's waters or to the development of a municipal water supply.
Sale of property.	4. The Morris Canal and Banking Company is hereby authorized and directed to sell any and all of the property the title to which is vested in the company in trust for the State of New Jersey, other than the rights and property to be retained for public use as provided for in section two of this act. Wherever said property shall consist of lands so located as to be capable of use in the widening of any county road, the Morris Canal and Banking Company is authorized to transfer to the county wherein such section of the canal is located, such section thereof, upon the adoption by the board of chosen freeholders of said county of a resolution indicating the desire of said county to acquire said section for the purposes of a county road within the period hereinafter provided for the adoption of a similar resolution by municipalities; such transfer to be made upon such terms and for such consideration as shall be fixed after negotiation as hereinafter provided for in the case of municipalities and subject to the same right of review.
Portion may be used for county roads.	
Consideration.	
Portions of canal transferred to municipalities.	The Morris Canal and Banking Company is hereby authorized to transfer to the respective municipalities through which said canal passes the portions of the canal situated within their respective boundaries, exclusive of the rights and property to be retained for public use as provided in section two, upon the passage by the respective municipalities on or before the first day of January, one thousand nine hundred and twenty-five, of resolutions expressing the desire of such municipalities to acquire such portions of said canal and setting forth the purposes to which said municipalities intend to devote such property when so acquired. Upon the submission of any such resolution the Morris Canal and Banking
Negotiations.	

Company is authorized to negotiate with said municipality the terms upon which said property will be transferred to such municipality and in determining the compensation, if any, to be paid by said municipality for such property, said Morris Canal and Banking Company shall take into consideration the conditions of the canal in said municipality and the effect thereof upon said municipality and the adjoining property and also the nature of the use to which said property is to be devoted and the estimated cost of adapting the property to such new use. After the conclusion of such negotiations the Morris Canal and Banking Company shall, subject to the approval of the Governor, determine the terms upon which such transfer shall be made and the price, if any, which in its judgment, regard being had to the considerations above set forth, is a fair price for such municipality to pay; such determination, whether in the case of a municipality or of a county, as hereinabove provided, shall be subject to review by the Board of Public Utility Commissioners of the State of New Jersey, which is hereby directed and empowered to grant such review on the application either of such municipality or county or of the Morris Canal and Banking Company; and upon such review, the said board shall have power to determine the fairness of the terms and compensation determined upon by said Morris Canal and Banking Company and in the event that said board finds said terms or compensation unfair, to fix the terms and the compensation deemed by said board to be fair. The terms and compensation so fixed shall be the terms and compensation for which said property shall be transferred to such municipality unless such municipality shall, within thirty days thereafter, determine not to proceed with the acquisition of said property and shall pay the costs of said proceeding. Upon the purchase as hereinabove provided by any municipality, county or counties of any such property for any such public use or uses, the property so purchased shall be applied to such public use or uses, or some of them, and such public use or uses shall supersede any other or different public use to which such property may have been theretofore dedicated.

Terms of
transfer.

Review by
Public Utility
Commission.

Use after
purchase.

If municipality does not accept, procedure for transfer of canal property.

5. If any such municipality shall fail to accept the terms and compensation for any such property fixed by the Morris Canal and Banking Company or upon review of its decision by the Board of Public Utility Commissioners as above provided for, or if prior to said first day of January, one thousand nine hundred and twenty-five, any such municipality shall fail to have adopted the resolution in section four provided for, or if prior to said first day of January, one thousand nine hundred and twenty-five, any such municipality shall have adopted a resolution declaring that it does not desire to acquire the property of said canal company located within its limits, then and in either of such events the said Morris Canal and Banking Company may transfer said property in the manner hereinafter provided.

Municipality may acquire property outside its limits.

In the first place it shall offer, subject to the same review as provided in section four, to any municipality which shall have taken appropriate steps to acquire the canal property lying within its boundaries, such portions of the canal lying in any other municipality or municipalities which shall have failed to take the necessary steps to acquire such property, as shall form a single, contiguous tract capable of development for the purpose for which said first mentioned municipality shall have acquired its tract.

Public sale of unsold portion of canal.

In the second place, if, after a reasonable time, any municipality to which any such canal property lying without its limits shall have been offered, shall fail to have availed itself of said offer, then the Morris Canal and Banking Company, after advertisement, in such manner as may be determined by said board of directors, shall sell any unsold portions of the canal property to the highest bidder deemed by said board of directors to be responsible, at public or private sale; *provided, however*, that no such sale shall be made unless first approved, in writing, by the Governor of the State of New Jersey; *and provided, further*, that at such sale any municipality through which such canal may pass, either alone or jointly with other municipalities through which said canal may pass, may bid for any parcel of said canal so offered for sale.

Proviso.

Proviso.

Upon any such sale, any previous dedication of the property so sold to any public use shall cease and be of no further force and effect, and the purchaser shall be entitled to take and hold such property free from any previous dedication to any public use. The said company is hereby authorized to sell, in such manner and for such price and upon such terms as the said board of directors may deem advisable, the structures and parts thereof and other materials to be removed on dismantling the canal as provided for in section seven of this act and other personal property no longer useful in connection with the canal.

Previous
dedication
voided.

Sale of
structures.

6. Pending the sale of the property authorized or directed by the provisions of this act to be sold, such property shall continue to be managed and controlled by the Morris Canal and Banking Company. All the other property and rights the title to which is vested in the Morris Canal and Banking Company in trust for the State of New Jersey, shall also continue to be managed and controlled by the said company. The stock of the said company, the title to which is held in trust for the State of New Jersey, shall, at each election of directors, be voted upon in favor of the election, as directors of the said company, of the members of the Board of Conservation and Development as the same shall from time to time be constituted. The said company is hereby authorized to let part or parts of the property and property rights, the title to which is vested in the said company in trust for the State of New Jersey; *provided, however*, that any and all leasehold estates and interest so created shall be terminable upon thirty days' notice to the lessee of the desire of the said company or of the State of New Jersey to terminate the same.

Management
until sale.

Voting stock.

Leasing.

Proviso.

7. The Morris Canal and Banking Company is hereby authorized and directed, as soon as the water shall have been drained off from the canal, to proceed promptly to remove such highway and road bridges as have heretofore been maintained by the said company at intersections of the canal with existing highways and roads and to refill the canal bed at these points and to grade down the approaches and to replace such bridges with

Removal of
bridges and
filling canal
bed.

Grades, pav-
ing, etc.

Dams and
gates properly
repaired.

Conditions
of safety.

Bridging in
municipalities.

Legal and
administrative,
etc., help.

roadways connecting with the adjoining highways or roads and graded and paved or surfaced to conform to the adjoining highways or roads respectively. The said company is hereby authorized and directed to repair and make safe the dams and sluice gates at the lakes and ponds mentioned in section two of this act and to raze and remove or put in a condition safe to life and limb all other structures heretofore maintained by the said company, and to make proper provision to prevent future obstruction of highways, roads or water courses through the decay and fall of culverts, aqueducts or other structures, and to provide for the proper drainage of the canal.

8. If the authorities having charge of any street, highway or road on which there is a bridge or crossing to be removed by the Morris Canal and Banking Company as provided in section six of this act, shall prefer to relocate or otherwise readjust such crossing in a manner or to an extent different from that provided in section six of this act, then and in any and every such case the said company is hereby authorized, instead and in lieu of constructing any such crossing as required in section six of this act, to contract with such authorities for the construction by such authorities of any such relocated or readjusted crossing and in such contract to agree with such authorities for the payment by the said company of such portion of the cost of such relocated or readjusted crossing as shall not exceed the estimated cost of the crossing instead and in lieu of which such relocated or readjusted crossing shall be so contracted for.

9. The Morris Canal and Banking Company is hereby authorized to procure and employ such legal and technical aid and to employ such administrative officers, clerical assistants and laborers as the said company may require for the purpose of enabling it to administer, in accordance with the terms of this act, the property, the title to which is vested in the said company in trust for the State of New Jersey, and the said company is hereby authorized to enter into such agreements with independent contractors as its board of directors may deem advisable in order to carry out the directions con-

tained in this act; *provided, however*, that no such agreement involving the expenditure of more than one thousand dollars shall be entered into unless first approved in writing by the Governor of the State of New Jersey; *and provided, further*, that no such agreement shall be entered into in excess of existing appropriations available therefor and applicable thereto. Proviso.

10. The board of directors of the Morris Canal and Banking Company are hereby authorized and directed, in behalf of the said company to do or cause to be done by the officers of the said company thereunto authorized by its board of directors, all acts and things and to execute or cause to be executed, all contracts, instruments of conveyance, consents, leases or other documents authorized or directed by the provisions of this act to be done or executed by the said company or which the said board of directors shall deem expedient to be done or executed for the purpose of carrying out any of the purposes of this act. All such contracts, instruments of conveyance, consents, leases or other documents shall be approved as to form by the Attorney-General before being executed by the said company. Any instrument of conveyance executed by the Morris Canal and Banking Company pursuant to any of the provisions of this act shall operate to convey all the right, title and interest of the said company and of the State of New Jersey in and to the property therein described. The Board of Conservation and Development, in whom is vested the title to the bonds issued by the said company, is hereby authorized and directed, upon any sale of any property as authorized by the terms of this act, to take such action and execute such documents as may be necessary or advisable to procure the release of such property from the lien of the mortgage securing the said bonds. Carrying act into effect.

11. The Morris Canal and Banking Company, by its general manager or by any officer thereunto duly authorized by its board of directors, shall be entitled to and is hereby authorized to receive and receipt for the purchase price, rentals or other income of any property sold or let as authorized by any of the provisions of this act, and to receive and receipt for the consideration paid Approval of contracts.

11. The Morris Canal and Banking Company, by its general manager or by any officer thereunto duly authorized by its board of directors, shall be entitled to and is hereby authorized to receive and receipt for the purchase price, rentals or other income of any property sold or let as authorized by any of the provisions of this act, and to receive and receipt for the consideration paid Action by board of conservation.

11. The Morris Canal and Banking Company, by its general manager or by any officer thereunto duly authorized by its board of directors, shall be entitled to and is hereby authorized to receive and receipt for the purchase price, rentals or other income of any property sold or let as authorized by any of the provisions of this act, and to receive and receipt for the consideration paid Receipts.

All moneys
paid into
State treasury.

upon the granting of any consent, as authorized by any of the provisions of this act. All moneys so received by the said company shall be paid into the treasury of the State not later than the tenth of the month following that during which the said moneys were collected or received.

12. This act shall take effect immediately.

Approved March 12, 1924.

CHAPTER 230.

An Act placing employees of the office of the State Treasurer, engaged in the work of administering the fund for the support of free schools, under the supervision of the Civil Service Commission.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Employees
on school
fund subject
to civil service.

1. The employees of the office of the State Treasurer engaged in the work of administering the fund for the support of free schools hereafter employed, shall be appointed, transferred, reinstated, promoted, reduced or dismissed in such work in the office of the State Treasurer, in the manner provided by an act entitled "An act regulating the employment, tenure and discharge of certain officers and employees of this State and of the various counties and municipalities thereof, and providing for a Civil Service Commission and defining its duties," approved April tenth, one thousand nine hundred and eight, together with its supplements and amendments.

Present employees continued.

2. All the employees of the office of the State Treasurer, employed in the work of administering the fund for the support of free schools who shall have been so employed at least one year immediately prior to the taking effect of this act shall continue to hold their employment and shall not be removed therefrom, except